



Deposition of:  
**Kopal Rawat**

*May 7, 2021*

In the Matter of:  
**Flowers, Jobbiev. Electrolux North  
America, Inc**

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1 prevent you from telling the truth?

2 A No.

3 Q And you can hear me okay and you can  
4 understand me okay, correct?

5 A Yes, for now.

6 Q Okay. And you'll let me know if at any  
7 time you can't hear or understand me; is that right?

8 A Yes.

9 Q Where did you grow up?

10 A I'm from India, state called Madhya  
11 Pradesh.

12 Q What brought you to the United States?

13 A I wanted to pursue higher education. Came  
14 here for my master of science degree.

15 Q When did you first move to the United  
16 States?

17 A 2004 for my master's degree.

18 Q Where did you go to school?

19 A Just so that I'm clear, you're asking  
20 about master's, right?

21 Q We're going to walk backwards.

22 A Okay.

23 Q So just right at this moment, I'm just  
24 asking what brought you from India to the United  
25 States. I think you told me to go to school; is

1 this, but I can't remember the details at all.

2 Q Who hired you at Electrolux?

3 A My manager, Brenda Simpson. I was  
4 interviewed by a panel, but my manager, Brenda  
5 Simpson, I believe so.

6 Q Mr. Flowers was already working for  
7 Electrolux prior to you being hired, correct?

8 A Yes.

9 Q You said you were interviewed by a panel.  
10 Who sat on the panel that interviewed you prior to  
11 being hired?

12 A Brenda Simpson, Michael Robinson, Tom  
13 Powers, Alexa Moor.

14 Q What is the race of Tom Powers?

15 A White American.

16 Q Do you recall when you interviewed with  
17 Electrolux?

18 A November or December of 2018.

19 Q Do you recall when you were actually  
20 provided a job offer in 2019?

21 A December of 2018, I got to know that I got  
22 an offer at Electrolux.

23 Q Were you still employed at RoundPoint at  
24 that time that you were interviewing with  
25 Electrolux?

1 A Yes.

2 Q Have you ever been terminated from a job?

3 A No.

4 Q Other than Mr. Flowers, have you ever  
5 terminated anyone else?

6 A Robert Kean.

7 Q What's Mr. Kean's race?

8 A White, American.

9 Q And Mr. Kean was terminated after this  
10 lawsuit was filed, correct?

11 MR. ALEXANDER: I would object since I'm  
12 not sure she knows when the lawsuit was filed.

13 MS. GESSNER: Okay. Your objection is  
14 noted.

15 BY MS. GESSNER:

16 Q Again, do you recall when Mr. Kean was  
17 terminated?

18 A When was he terminated? I can't remember  
19 the exact date, but probably around June -- last  
20 year, you'll, August timeframe I guess, 2020.

21 Q Was Mr. Flowers still working for  
22 Electrolux at the time you terminated Mr. Kean?

23 A No.

24 Q Had Mr. Flowers been terminated prior to  
25 Mr. Kean?

1 A Yes.

2 Q Why was Mr. Kean terminated?

3 A Performance issues.

4 Q Can you be more specific?

5 A Sure. Just so that I'm sure you're asking  
6 about Robert Kean, right?

7 Q Yes, ma'am.

8 A So Robert had performance issues where he  
9 would make mistakes while deploying the code from  
10 one environment to another. We have various  
11 environments.

12 So we have various environments where we  
13 deploy our code, so that when we go to production  
14 environment, it is tested and approved by various  
15 users who use the application. So he would develop  
16 in the development environment and put it in UA, the  
17 user acceptance training environment. Users would  
18 test over there, and then he would put in the  
19 production environment as a final step to any  
20 request for application change.

21 He used to be negligent continuously when  
22 moving code from one environment to another. Apart  
23 from that, when he used to work on collecting the  
24 requirements, he did not take the holistic  
25 requirement and did not deliver, as well, on what

1 was the ask.

2 And then the production environment issues  
3 were something that -- he worked on very critical  
4 environment, and he made a mistake in one of the  
5 production environment which was very detrimental.

6 Q I think I hear, other than your  
7 assessment, that he wasn't taking a holistic  
8 approach on the deliverables, that each of the other  
9 pieces of the reason you terminated him were  
10 objective; meaning, you could show that there were  
11 mistakes in his work; is that correct?

12 A Yes.

13 Q Any other reasons why Mr. Kean was  
14 terminated by you?

15 A This was the primary reason.

16 Q So was there a secondary reason?

17 A No.

18 Q Did Mr. Kean have a disability?

19 A I don't -- I'm not aware.

20 Q Had you ever been made aware that Mr. Kean  
21 needed any type of medical leave?

22 A No.

23 Q Had he ever taken a leave of absence while  
24 he worked for you?

25 A Vacation, yes. But, yeah -- yes.

1 typical percentage, but it's around that number.

2 Q Well, you told me you started at 120.

3 A Yes, ma'am.

4 Q 145 before this raise. Did you receive  
5 any increases between your starting salary and your  
6 promotion?

7 A No.

8 Q Have you ever received --

9 A One second. Sorry.

10 No. Sorry. 2020 was a bad year, even  
11 with the performance that we had -- sorry, even  
12 after the annual performance, we did not get the  
13 raise. So company did not make enough profit or  
14 something like that. So after 120, it was this.

15 Q Did you receive any type of feedback of  
16 any sort after you fired Mr. Flowers related to  
17 Mr. Flowers' complaints made about you?

18 A No, no feedback. But Mr. Flowers'  
19 complaint was -- I won't even -- I don't know. I  
20 don't think it was a complaint, it was a discussion  
21 that happened with HR, so that's the only thing that  
22 I remember with Mr. Flowers over there.

23 Q Tell me everything you do recall about  
24 Mr. Flowers' complaints.

25 A Again, I'm not sure "complaint" is the

1 word I would use. He requested to -- for me to  
2 introduce him to HR. I did that, and I think he had  
3 some conversations with HR and then Alexa Moor, who  
4 was our HR representative at that time, scheduled a  
5 meeting between Jobbie, myself and her, and we  
6 discussed the concerns that he had and then the  
7 concerns that I had.

8 Q You say that Mr. Flowers asked you to  
9 introduce him to HR. What do you recall about that  
10 conversation with Mr. Flowers?

11 A We had one of our meetings, and we had  
12 discussions -- we were discussing about the project  
13 or something, and at that particular point, between  
14 those discussions, we had a disagreement on a  
15 particular way of how to work on that particular  
16 project, and then after the meeting, he came -- he  
17 actually sent me an email, and he wanted to see if I  
18 can introduce him to the HR representative.

19 Q What did you do next after receiving  
20 Mr. Flowers' email?

21 A I sent the request at that time to Naomi.  
22 Alexa had left the company, so Naomi is the one I  
23 sent an email to.

24 Q Do you recall the timeframe?

25 A July -- July of 2019.



1 records for my documentation, per se, later that  
2 year, sometime later because it was becoming a  
3 recurrent thing.

4 Q What was becoming a recurrent thing?

5 A We discussing setting expectations for a  
6 particular project, followup meetings, and he was  
7 not -- like it seemed like whatever was discussed,  
8 he just did not follow that or he just did not come  
9 through with any of the deliverables.

10 Q What caused you to begin creating, I think  
11 you said, your records regarding your conversations  
12 with Mr. Flowers?

13 A I think when Mr. Flowers' behavior from  
14 those discussions became unprofessional. He was  
15 angry, loud, rolled his eyes sometimes, sarcastic  
16 comments. It was just unprofessional behavior. At  
17 that time, I felt like I needed to put some -- start  
18 records, documenting those.

19 Q And the behavior that you just described  
20 of Mr. Flowers is your records that you documented,  
21 correct?

22 A Yes, ma'am.

23 Q And these are during the one-on-one  
24 meetings where the only two people were present were  
25 you and Mr. Flowers; is that correct?

1           A     One-on-one, team meetings and -- we have  
2     like an area where we all sit, call it floor, two  
3     times that I remember that he created a scene on the  
4     floor as well.

5           Q     Well, let's just stick with your  
6     one-on-one meetings for just a moment.

7           A     Okay.

8           Q     Did you have more one-on-one meetings with  
9     Mr. Flowers or team meetings?

10          A     Repeat that again for me?

11          Q     Did you have more one-on-one meetings with  
12     Mr. Flowers or team meetings?

13          A     Yeah. We used to have them on regular  
14     basis, both one-on-one and team meetings.

15          Q     Let's just stick with one-on-ones right at  
16     the moment. I'm asking you which one did you have  
17     more with Mr. Flowers, one-on-one or team meetings?

18          A     Team meetings were daily. One-on-ones  
19     were once in a -- once in a month or once in two  
20     weeks initially or as required, again, depending on  
21     the project.

22          Q     How often do you remember meeting  
23     one-on-one with Mr. Flowers?

24          A     At least once or twice a month.

25          Q     And you described that his behavior at

1           A       One in January. I wouldn't call it an  
2       issue. I was just trying to understand what  
3       happened, because for me, I was always trying to  
4       understand. The way his reaction was with certain  
5       things, I just was not able to understand. I wanted  
6       to make sure, you know, we are, again, on the same  
7       page with how we want to proceed with the project.  
8       So it was in January probably, January, February  
9       again.

10          Q       Okay. So what -- tell me everything you  
11       can recall about what you're referring to in  
12       January, February of 2019 and Mr. Flowers' reactions  
13       that you were concerned with.

14          A       Okay. We had a meeting, a project  
15       meeting, various team members involved from IT, and  
16       one of the tasks was something that primarily Jobbie  
17       was responsible for. And he had more knowledge,  
18       based on what he had shared and based on the  
19       responsibilities that he had. So I was asking him  
20       questions associated to it and trying to think  
21       through what we need to do in order to take care of  
22       that task, because it was impacting -- or that  
23       particular change of application was impacting  
24       multiple sites or locations.

25                While I was asking the questions, he

1 became a little bit agitated, frustrated, and left  
2 the meeting room.

3 I think it was after that meeting that --  
4 I had a meeting with him again to understand, What  
5 happened?

6 Q Okay. Sticking with that. In the  
7 instance that you're talking about the meeting where  
8 he became, quote, "agitated and left the room," who  
9 was present?

10 A As far as my memory serves, Robert Kean,  
11 Anand Deshiraju. There was a PM at that point,  
12 Rick. I can't remember his last name. There was  
13 one more person in that meeting, and I can't recall  
14 who that was. Someone from the database team, I  
15 guess.

16 Q Is there anyone else other than  
17 Mr. Flowers in that meeting who was  
18 African-American?

19 A No.

20 Q Did anyone in that meeting record the  
21 meeting in any way?

22 A Not that I know of.

23 Q Did you record the meeting?

24 A No.

25 Q Following the meeting that you're

1 explain.

2 Q During that meeting, he specifically told  
3 you he felt like you were singling him out, though,  
4 correct?

5 A Yes.

6 Q And was there anything that Mr. Flowers  
7 said in the meeting that was incorrect?

8 A One-on-one or team meeting?

9 Q Good distinction. Let's talk about the  
10 team meeting. Was there anything in the team  
11 meeting that Mr. Flowers said substantively about  
12 the project that was wrong?

13 A There was no wrong or right. We were  
14 discussing. We were just discussing the approach to  
15 go with the project, brainstorming, putting all our  
16 brains together to figure out how we can roll it out  
17 correctly.

18 Q So you were -- you followed up with  
19 Mr. Flowers because he walked out; is that true?

20 A Yes.

21 Q He walked out -- he told you he walked out  
22 because he believed you were singling him out, true?

23 A Yes.

24 Q So again, I'm just making sure,  
25 Mr. Flowers didn't say anything that was incorrect

1           Q     Tell me the next instance that you recall  
2     with Mr. Flowers where you were concerned about his  
3     being angry, unprofessional, rolling his eyes or  
4     sarcastic.

5           A     Probably the next one would be in  
6     summertime. This were two issues, and I can't  
7     remember like the timeframe exactly. But two, three  
8     issues, again, during the summertime where we had a  
9     project that was going on. One was associated to  
10    the project that was going on, and I was asking  
11    how -- as far as my memory serves me, like we were  
12    having a team meeting, and we were discussing with  
13    various team members how to proceed on the  
14    project -- a requirement that came in, how do we  
15    develop the application, how do we work on it.  
16    Jobbie had some thoughts, the other team members had  
17    some thoughts. And Jobbie started -- when he was  
18    trying to say his point associated to his -- the  
19    project or the requirement that came in, he started  
20    cutting off me and one of the other team members.  
21    And at that point, again, I felt like he was getting  
22    agitated and frustrated, so we left the discussion  
23    over there saying, Okay. Let's all think about it  
24    and come back, and we can figure out how to move  
25    forward on that.

1           So that was the first that I remember in  
2     the summer, and then there was another one where we  
3     had production issue, a site was not accessible;  
4     there was some issue going on.

5           Again, Jobbie being the team lead, I was  
6     looking for how we can proceed to resolve this  
7     issue, and what we can do to test it out. And I  
8     asked a few questions, and he raised his voice at  
9     that particular time. So that was in summer,  
10    another incident that I can remember.

11           Then it was another project that was going  
12    on later in the summer about a project that we were  
13    trying to run internal to the team, and there were a  
14    couple of tasks that were assigned to Jobbie, and I  
15    was trying to ask what the status on that is, any  
16    hurdles, anything else. And he got -- he got  
17    agitated and frustrated at that time also.

18           Q     Okay. Anything else?

19           A     Not that I can remember right now. Not  
20    that I can remember right now.

21           Q     Okay. So you gave me three instances, all  
22    of which you said were in the summer. So let me  
23    talk about the first one with the project that was  
24    associated, you said, that he was cutting you off  
25    and was agitated and frustrated. Who was present

1       sure I'm going with -- I wanted to make sure I have  
2       full information about Jobbie. Was there anything  
3       else previously? No. Then this is my experience  
4       with him.

5               Q       So at any point prior to September of  
6       2019 -- strike that.

7                       What was the earliest time that you can  
8       recall that you were thinking about putting Jobbie  
9       on a performance improvement plan?

10              A       No where before that.

11              Q       No when before when?

12              A       September, October when I reached out to.

13              Q       What changed between late summer and  
14       September and October that caused you to want to put  
15       Jobbie on a performance improvement plan?

16              A       It was nine -- about nine months or so,  
17       having the same conversation but not getting any  
18       improvement in the performance.

19              Q       When you say "performance," exactly what  
20       are you referring to when it relates to Jobbie's  
21       what? Not the how, but the what he was doing. What  
22       about his performance were you concerned about so  
23       much so that you believed he was deserving of a  
24       performance improvement plan?

25              A       A lot of incidences leading and seeing no



1 improvement. Not keeping manager updated with what  
2 he's been working on. Based on the status update  
3 that he provided, I was not able to gauge his effort  
4 or where he was spending his time. The projects  
5 that were given or assigned to him were either  
6 delayed or the way we try to work or discuss on how  
7 to work on -- process wise, how to work on it was  
8 not something that was executed in the same way.

9 And then priorities. Based on the project  
10 and the ideal objectives that we generally have, he  
11 took his own priorities rather than something that  
12 was coming from the upper management or me.

13 Q And you'd never given Mr. Flowers any  
14 feedback in any formal way about anything you just  
15 testified prior to his performance improvement plan  
16 in late 2019, correct?

17 A Feedback, yes.

18 Q Ms. Rawat, did you put in writing anywhere  
19 to Mr. Flowers that any of the items that you just  
20 listed were of such concern that he was going to  
21 lose his job over it?

22 A So there are two parts of it. One --

23 Q Let's talk about my question, and then  
24 I'll let you explain. But again, I want to make  
25 sure this record is clear. Prior to his written

1 call him the wrong name? Mr. Flowers -- I thought I  
2 called him Mr. Stafford. It's a different case.

3 Was Mr. Flowers one of the larger men on  
4 your team?

5 A On my team.

6 Yes.

7 Q Describe for me anything that Mr. Flowers  
8 ever did that you've labeled in your discussions  
9 with Electrolux as, quote, "aggressive"?

10 A The ones that I mentioned, behavior, like  
11 raised voice, storming out of the meeting, cutting  
12 me off or any of the team members, rolling eyes.  
13 That's what I would say as aggressive.

14 Q When you say "storming out of the  
15 meeting," you've told me about only the one instance  
16 that you can remember; is that correct?

17 A Yes, ma'am.

18 Q Are you aware after the lunch break of any  
19 other instances in which Mr. Flowers left a meeting  
20 early?

21 A Again, not that I can recall. That was --  
22 that's one particular meeting is the one that I  
23 remember.

24 Q And in any communications you've had with  
25 human resources or then at Electrolux about

1 A Yes.

2 Q -- for three days or more.

3 A Correct.

4 Q What did you mean "he is out sick again"?

5 A Probably was sick before.

6 Q Okay. Did you -- were you aware that  
7 Mr. Flowers had had some illnesses that caused him  
8 to be out of work prior to July of 2019?

9 A I can't, again, remember or recall  
10 exactly. But, yeah, he might have been -- he might  
11 have sent this same message or email. That's how I  
12 was made aware he was out sick.

13 Q Did you ever ask Mr. Flowers anything  
14 about him -- his need to be out sick?

15 A No. How was he doing when he came back.  
16 Hope you're feeling better.

17 Q Did you know that Mr. Flowers is a  
18 diabetic?

19 A No, did not know that.

20 Q You never heard Mr. Flowers openly talk  
21 about his diabetes in meetings?

22 A No, not that I can remember.

23 Q If Mr. Flowers said he did talk about his  
24 diabetes in meetings that you were present, it would  
25 be your word against everybody else in the meeting

1 indicated he wanted to go and speak with HR, he  
2 wanted you to connect him HR; isn't that true?

3 A Yeah. Again, yes, probably. We had that  
4 meeting, email, I can't remember exactly.

5 Q Well, I'm trying to put together some of  
6 the testimony you provided earlier with some of the  
7 documents, and earlier you testified that  
8 Mr. Flowers asked you after you-all had had a  
9 one-on-one meeting where he had informed you that he  
10 believed you were singling him out, treating him  
11 differently, that he wanted to go to HR, he wanted  
12 you to help connect him were HR; do you recall that?

13 A You're mixing two different things. The  
14 singling-out incident was the one we had in January  
15 or February timeframe. That's when it happened.  
16 The meeting that happened afterwards was just  
17 another one-on-one, and he asked -- requested --  
18 that's what I can't remember, whether it was the  
19 outcome of that meeting or if he sent like an email  
20 as a request afterwards, and that's when I did that.

21 Q Okay. So is it your testimony that you  
22 don't recall at all why you sent this July 19, 2019  
23 email to HR copying Brenda and Jobbie indicating  
24 that Jobbie wants to speak with HR, you don't know  
25 why he wanted to talk to HR; is that your testimony?

1 invite for later next week. I'm out Monday and  
2 Tuesday. If there's anything urgent, please let me  
3 know.

4 Do you see that?

5 A I do see that.

6 Q It was on Friday, July 19, correct?

7 A Okay.

8 Q And Alexa Moor, she's white, correct?

9 A That's correct.

10 Q Show you another document. This is  
11 Exhibit Number 8, and it is Electrolux 54528. And  
12 it appears to be a meeting invite from you to Brenda  
13 Simpson and that it is on Monday, July 22, the  
14 Monday after Mr. Flowers had asked to meet with HR,  
15 correct?

16 A Okay.

17 Q All right. And you have on the -- is this  
18 your agenda for your meeting with Ms. Simpson?

19 A Yes.

20 Q And you wanted to meet with her to discuss  
21 Jobbie and HR, correct?

22 A Correct.

23 Q And at that point, Jobbie had not had an  
24 opportunity to meet with HR, had he?

25 A I don't know.

1 Q Did you speak with anyone at the break?

2 A My daughter, getting her food.

3 Q Okay. Before the break, we were talking  
4 about the setting up of a meeting with HR for Jobbie  
5 and the email exchanges with Ms. Simpson and  
6 Ms. Moor. Had you decided that you wanted to place  
7 Jobbie on a performance improvement plan during the  
8 month of July 2019?

9 A No.

10 Q What did you do after July 26, 2019  
11 related to Jobbie after you found out that he -- or  
12 you assumed he was going to HR to speak with them  
13 about you?

14 A We had a meeting with Alexa, Jobbie and me  
15 where we -- we discussed the concerns from each  
16 side, like his side, my side. Came out of the  
17 meeting completely understanding and the  
18 explanations and how we want to make sure that we  
19 need -- it's good to have one-on-ones on a weekly  
20 basis or more frequently, and this way we are able  
21 to better work on with the same expectation and come  
22 to agreements on how to execute projects.

23 Q Who initiated the August 2019 meeting?

24 A I think Alexa.

25 Q Who else was present other than you, Alexa

1           Q     Okay. And he says also: As you know, I'm  
2 a community activist in both Mecklenburg and Forsyth  
3 County, so I have some experience handling these  
4 types of situations.

5                     Do you see that?

6           A     I do see it.

7           Q     Isn't it true he communicated with you he  
8 believed you were singling him out because he's  
9 black, and this communication is telling you that  
10 the situation that he's concerned of about has to do  
11 with diversity?

12          A     No. So singling it out, he never, ever  
13 mentioned his race or him being African-American or  
14 him being black. That was just singling him out.  
15 When he mentioned this, I might have -- the thing I  
16 wanted to make sure is he get connected to HR about  
17 it. The rest I did not draw any other context from  
18 it.

19          Q     Okay. And if Mr. Flowers testified that  
20 he absolutely believed and complained that you were  
21 singling him out because he's black, you have no  
22 reason to refute that other than your word against  
23 his, correct?

24          A     His word against mine, yes.

25          Q     Did you respond and suggest that HR be

1 meeting minutes?

2 A I think so, yes.

3 Q Were there ever any issues with  
4 Mr. Flowers' performance related to the CAB  
5 meetings?

6 A The only thing was he had highlighted that  
7 CAB and The HD were taking too much of his time and  
8 that's when we started the discussion of delegating  
9 and making sure the rest of the CAB team members are  
10 picking up their share of responsibilities. So  
11 apart from like doing the CAB meetings, delegating  
12 was the one, I'll say, as an issue.

13 Q How large was the team that Mr. Flowers  
14 managed?

15 A He was a team lead for three team members.  
16 I was still the manager.

17 Q To whom could he delegate work?

18 A For CAB or team lead? It's different  
19 groups.

20 Q Any work, to whom could he delegate work?

21 A Depending on who's been working with him  
22 on those tasks.

23 Q With CAB, to whom could he have delegated?

24 A There are around, I want to say, five to  
25 six team members who are a part -- who are CAB



1 A Yes.

2 Q Said he's having some medical issues, has  
3 been out of the office. He was out sick Friday,  
4 came in briefly Monday, and then left to go to ER.  
5 He's been out since. What is the correct process to  
6 follow at this point? I believe that Alexa had  
7 mentioned that once an employee passes three days,  
8 they need to file a claim -- need to file with UNUM  
9 as a protection for them. Let us know the best way  
10 to approach this with Jobbie.

11 Do you see that?

12 A Yes.

13 Q Did you contact Jobbie and let him know  
14 that information was forthcoming from UNUM?

15 A I contacted -- as far as I remember, I  
16 contacted Jobbie to remind him of the process that  
17 he needs to do with UNUM, if in case, I think, he's  
18 out for more than three days.

19 Q Did you do anything else?

20 A No, not that I can recall or remember.

21 Q Did Jobbie provide you with any medical  
22 documents or medical information following his  
23 hospital visit?

24 A I think, as far as I remember, he sent me  
25 a document of his stay which I forwarded to HR, I

1 related to the Share Point project.

2 A Not sharing updates, not coming to the  
3 team meetings and then the project and the  
4 discussion was the tasks that he was working on took  
5 a really long time, and without any updates, I  
6 didn't have any idea what was going on.

7 Q Let's start with not coming to the team  
8 meetings. Isn't it true that one of the team  
9 meetings you're referring to occurred after  
10 Mr. Flowers had worked a 20-hour day on a Home Depot  
11 project?

12 A I can't remember.

13 Q Is that possible it happened and you just  
14 don't recall?

15 A I can't remember.

16 Q Are you aware of any projects during the  
17 time that Mr. Flowers worked for you wherein that he  
18 worked tremendous, long days in excess of 16 to 20  
19 hours to complete projects for clients?

20 A No. Only THD testing one night I recall.

21 Q And what do you recall about that one  
22 night?

23 A He worked on the testing with them on a  
24 project or something, and that's all I remember  
25 about that night, that he shared with me.

1           A     Status update, where we are with the  
2     project, how to report our data reactions further  
3     and then basically delaying.

4           Q     What are all the other reasons that  
5     perhaps -- strike that.

6                     What other reasons, if any, were there for  
7     any delays related to the Share Point project?

8           A     At that time, this was the one. We did  
9     have some other technical challenges but they were  
10    resolved within a day or two.

11          Q     So some of the technical challenges caused  
12    delay as well, right?

13          A     Correct.

14          Q     So Mr. Flowers not showing up at a team  
15    meeting wasn't the only reason for any type of delay  
16    with the Share Point project; isn't that true?

17          A     At that time, that was the only reason.

18          Q     What did you do to step up as his manager  
19    then and make sure the project completed on time?

20          A     Worked with him, trying to identify what  
21    the issue is. See if he needed any help completing  
22    them or if he -- he's having any other conflicts or  
23    anything else, I can help prioritize the work.

24          Q     When did -- was this another one-on-one  
25    meeting that you're referring to that no one else

1       sure he works on priorities as assigned or agreed  
2       upon by the management, provide status updates in a  
3       form that is helpful for the manager to understand  
4       or gauge what he's been spending his time on, and  
5       work on the project as discussed or agreed upon.

6               Q       So the PIP was issued on November 8, 2019.  
7       How long was the PIP plan supposed to be for?

8               A       Can you scroll up for me, please? The  
9       first page?

10              As far as I remember 90 days.

11              Q       Do you know what 90 days from November 8,  
12       2019 is?

13              A       Somewhere around February.

14              Q       February of 2020?

15              A       Yes.

16              Q       Was Mr. Flowers given the opportunity to  
17       work the full 90-day Performance Improvement Plan  
18       period?

19              A       No.

20              Q       Why?

21              A       Because there were no improvements that  
22       were there in the initial two PIPs that we worked  
23       on. It was more than 60 days, but no improvement  
24       was made.

25              Q       Okay. So it's your testimony, once you

1 here so give me another second. Let me lower my  
2 hand. I got another document to show you.

3 See a document?

4 A Yes.

5 Q This has been marked as Number 22. This  
6 is a notice -- well, document 22, which is Bates  
7 number 81988, and again, it's an email exchange  
8 where you're telling Brenda and Naomi that: Jobbie  
9 is out sick today so we will not be having the  
10 weekly followup. I was wondering if you both are  
11 available to discuss next steps. His monthly  
12 evaluation is coming to an end on January 8. Since  
13 last monthly follow up December 9, due to company  
14 holidays where Jobbie's vacation/sick leaves I was  
15 not able to evaluate his performance for two weeks.  
16 I want to check if it's okay to extend the upcoming  
17 second month followup by two weeks. If yes, do I  
18 need to schedule a formal followup between the two  
19 of us?

20 So you knew that Jobbie had been out due  
21 to some sick leaves in the month of December,  
22 correct?

23 A As far as I can remember, that's what I  
24 was saying. I don't remember. It was sick leave or  
25 something else.

1 Ms. Sinclair from Jobbie on December 9 where he  
2 says: Good afternoon all, today's was the first  
3 time we all got together since our meeting on  
4 November 8, so I just want to thank you all for  
5 attending today's followup meeting. I look forward  
6 to working together to become Number 1  
7 (Exceptional). Please send me a copy of the form we  
8 reviewed today. Thank you and have a great day.

9 Do you see that?

10 (Exhibit Number 28 was identified.)

11 A I see this.

12 Q Had you met -- had it been a month before  
13 the three of you met to discuss the PIP from  
14 November the 8 to December 9?

15 A All of us together probably, but I can't  
16 remember.

17 Q Okay. And do you recall having any  
18 meetings with Jobbie between November 8 and  
19 December 9?

20 A I remember we had weekly one-on-one  
21 meetings.

22 Q Again, those weekly one-on-one meetings  
23 were just you and Jobbie; is that correct?

24 A As far as I remember -- again, as far as I  
25 remember, I had probably Naomi and Brenda as well

1 the way to 83992. Do you see that?

2 (Exhibit Number 27 was identified.)

3 A I see that.

4 Q Okay. And this came from you to Naomi  
5 Sinclair as the plan; do you see that?

6 A I see that.

7 Q And it's dated Thursday, January 16th, the  
8 day after Jobbie had been out on medical leave for  
9 two and a half days, isn't it?

10 A Yes.

11 Q When did you make the decision to  
12 terminate Jobbie early?

13 A I don't think it was the decision to  
14 terminate -- scratch that.

15 We had a one-on-one, and I don't remember  
16 the exact date, but during that one-on-one, I asked  
17 him questions about the work, the priorities that we  
18 had discussed, and what he did or he worked on. And  
19 he responded back with saying, A, he was not able to  
20 tell me how much time it took him to do a work; and  
21 then second one was he was catching up -- catching  
22 up on emails for three or four days. And that's  
23 when I felt like this is going nowhere. There's no  
24 improvement.

25 So I can't remember the exact date, but I

1 did reach out to Naomi and Brenda and mention the  
2 same thing. I think that last one-on-one for me was  
3 the one that I did not see any improvement moving  
4 forward.

5 Q Do you have any records whatsoever that  
6 support the meeting you just testified about  
7 actually occurred?

8 A I would have to go check my emails  
9 calendar invite, but I don't remember.

10 Q And even if that meeting actually did  
11 occur, isn't it true that there was no one else  
12 present other than you and maybe Jobbie in order to  
13 know exactly what was said during that meeting?

14 A The one-on-one meeting.

15 Q (Nods head.)

16 A It was Naomi, Jobbie and me.

17 Q And you don't recall when that happened?

18 A I can't remember the exact date.

19 Q Did it happen after you and Brenda and  
20 Naomi met on -- strike that.

21 After your first followup meeting that  
22 happened on December the 9th, 2019?

23 A Yes.

24 Q Okay. Did it happen after January of  
25 2020?



1 of the office on the 14th, correct?

2 A Correct.

3 Q And you knew on the 15th he was out of the  
4 office, correct?

5 A Correct.

6 Q And then on the 16th is when you put  
7 together this plan document and sent it to Naomi,  
8 right?

9 A Correct.

10 Q Do you recall whether the meeting that you  
11 allege happened with Naomi happened on the 16th of  
12 January following Jobbie being out of work two and a  
13 half days due to a medical need?

14 A I can't remember the meeting. I know we  
15 had our discussion on that one-on-one meeting.

16 Q Well, you testified as part of your memory  
17 of what happened during this meeting is that  
18 Mr. Flowers told you he was catching up on email,  
19 right?

20 A Yes.

21 Q And if somebody who had a medical event  
22 had been out of the office for two and a half days,  
23 they'd have a lot of emails to catch up on, wouldn't  
24 they?

25 A I think as far as I remember, the catching